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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,313	04/09/2002	Sharon May Armitage	1386/5 PCT	7941

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EXAMINER

GOLDBERG, JEANINE ANNE

ART UNIT	PAPER NUMBER
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1634

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/069,313

Applicant(s)

ARMITAGE ET AL.

Examiner

Jeanine A. Goldberg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33-36,38,39,41,42,44-46,48-52 and 54-68 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33-36,38,39,41,42,44-46,48-52 and 54-68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the papers filed June 9, 2004.
2. Currently, claims 33-36, 38-39, 41-42, 44-46, 48-52, 54-68 are pending.
3. All arguments have been thoroughly reviewed but are deemed non-persuasive for the reasons which follow.
4. This action is FINAL.
5. Any objections and rejections not reiterated below are hereby withdrawn in view of the amendments to the claims.

New Grounds of Rejection Necessitated by Amendment

Claim Objections

Claim 34 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 34 is directed to wherein the base sheet dissolves in a solution. Claim 33 however appears to contain this limitation. Therefore, it is unclear how Claim 33 limits Claim 34.

Claim Rejections - 35 USC § 112- Second Paragraph

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claims 41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A1) Claim 41 is indefinite over the recitation "the backing sheet" because the backing sheet lacks proper antecedent basis. Claim 33 no longer recites "a backing sheet."

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 33-35, 44-46, 48-51, 55-62, 65-66 are rejected under 35 U.S.C. 102(b) as being anticipated by Evident Crimescene (www.evidentcrimescene.com, Latent Fingerprint Recovery, April 27, 1999).

Evident Crimescene teaches Latent Fingerprint Recovery Supplies. The BVDA Hinge lifters which are illustrated on page 7. BVDA gellifters have a low-tack adhesive layer which is thick enough to lift complete prints from rough or polluted surfaces (BVDA manual, page 3). The transparent Gellifters have a clear polyester backing, the black and white have a backing of white rubberized linen. The transparent Gellifters have non-stick paper edges that provide a space for notations (BVDA manual, page 4). The Gellifters come in various sizes, however they can also simply be cut with scissors to a

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size that is needed to suit a particular job (page 4). As seen in the product information, all gellifters are protected by a transparent polyester film (page 2 of 6 from Gellifter Manual). The base sheet of either a polyester backing or rubberized linen would dissolve in a solution (limitation of Claim 34). The Gellifter would allow a hole punch to remove a portion of the sample (limitations of claims 46, 44). The materials of the Gellifter would dissolve in an alkali or phenol/chloroform solution (limitations of Claims 45, 48). BVDA teaches gellifters may be use for a variety of different samples.

New Matter

8. Claims 33-36, 38-39, 41-42, 44-46, 48-52, 54-68 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In the amended claims, reference to "a transparent polymeric sheet" (Claim 33, for example); "the base sheet is indicia free" (Claim 33, for example); "the base sheet comprising an absorbent material" (Claim 55); "the transparent polymeric sheet are substantially the same size" (Claim 61, 65); "the polymeric sheet is rectangular" (Claim 62, 66); "the base sheet is joined by a line of weakness to a second polymeric sheet" (Claim 63, 67); "the transparent polymeric sheet is joined by a line of weakness to a second polymeric sheet" (Claim 64, 68); " are included. The amendments of January 31,

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2005, May 18, 2005 do not provide any particular support from the specification for the newly added limitations.

A) The instant claims are directed “the base sheet is indicia free” (Claim 33, for example). The specification does not appear to contain this negative limitation. The specification teaches that “advantageously said base sheet is printed on its reverse. A bar code may be printed on this sheet together with instructions for use of the device and/or an area to write an identification code (page 6, lines 7-10). This passage does not appear to support that the base sheet is indicia free. Further, it is noted that the use of “side” does not mean a reverse side, but rather could mean a right or left side.

B) The instant claims are drawn to “the base sheet comprising an absorbent material” (Claim 55). The specification does not appear to teach that the base sheet is broadly any absorbent material. The specification teaches that the base sheet is a sheet of paper, typically a sheet of gloss art paper. The specification which teaches that the base sheet may be paper is not a disclosure of any absorbent material. Absorbent material would encompass cloth, for example. The instant specification does not the breadth of absorbent material.

The concept of “the base sheet is indicia free” and “the base sheet comprising an absorbent material” does not appear to be part of the originally filed invention.

Therefore, “the base sheet is indicia free” and “the base sheet comprising an absorbent material” constitutes new matter. Applicant is required to cancel the new matter in the reply to this Office Action.

Conclusion

9. No claims allowable over the art.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Massimo (US 6,260,885, July 2001) teaches latent fingerprint lifting and recordation device.

B) Pierce et al. (US 2,006,744, July 1935).

C) Mason, Jr. (US 4,706,600, November 1987).

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

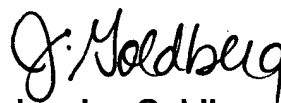
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Jeanine Goldberg whose telephone number is (571) 272-0743. The examiner can normally be reached Monday-Friday from 7:00 a.m. to 4:00 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Jones, can be reached on (571) 272- 0745.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The Central Fax Number for official correspondence is (571) 273-8300.

A handwritten signature in black ink, appearing to read "J. Goldberg", is positioned above the printed name.

Jeanine Goldberg

Primary Examiner

August 5, 2005